

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/757,652	Confirmation No.	3926
Applicant	: Blake Cumbers		
Filed	: January 13, 2004		
Title	: PASSIVE BIOMETRIC CUSTOMER IDENTIFICATION AND TRACKING SYSTEM		
TC/A.U.	: 3714		
Examiner	: Mark Alan Sager		
Docket No.	: 087620.000010		
Customer No.	: 29747		

Mail Stop AMENDMENT AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

**DISCLAIMER TO OBIVATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Commissioner:

The owner, Biometric Recognition, LLC, of the entire right, title, and interest in the instant application by an assignment recorded at Reel 015653, Frame 0972, hereby disclaims as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior Patent No. 6,142,876 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is the attorney of record.

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Respectfully submitted,

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Date: October 23, 2007